# GOVERNMENT OF INDIA
# HOME AFFAIRS
# LOK SABHA

UNSTARRED QUESTION NO:3784
ANSWERED ON:05.08.2014
ITALIAN MARINE CASE
Biju Shri Parayamparanbil Kuttappan

**Will the Minister of HOME AFFAIRS be pleased to state:**

(a) the present status of the case against two Italian marines involved in the killing of two Indian fishermen in Kerala;

(b) whether any time-frame has been fixed for the completion of this case; and

(c) if so, the details thereof?

## Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJIJU)

(a) to (c): The Hon'ble Supreme Court vide its order dated 18.01.2013 in the SLP (C) 20370 of 2012 and the Writ Petition (C) 135 of 2012 regarding alleged killing of two Indian fishermen by Italian marines, inter alia, held that the proceeding of the case has to be conducted at the level of Federal or Central Government and it cannot be the subject matter of a Provincial/State Government. The Hon'ble Court, while holding that the state of Kerala has no jurisdiction to investigate into incident also directed the Union of India to set up a Special Court for trial of the case. Accordingly, Special Courts were constituted for trial of the case and the case was handed over to the National Investigation Agency (NIA) for investigation and prosecution.

Investigation of the case has been completed by NIA. However in the meantime, the accused have filed a Writ Petition (C) 236/2014 in the Hon'ble Supreme Court of India, challenging the jurisdiction of NIA to investigate and prosecute the case, constitution of special courts for trial of the case, applicability of IPC in this case. The petitioners have also prayed that they being Italian Military and Judicial officials have functional and sovereign immunity from being prosecuted in India. The matter is sub-judice.